

1 H.76

2 Introduced by Representatives Wright of Burlington, Buxton of Tunbridge,
3 Christie of Hartford, Condon of Colchester, Cupoli of Rutland
4 City, Eastman of Orwell, Juskiewicz of Cambridge, and
5 Komline of Dorset

6 Referred to Committee on

7 Date:

8 Subject: Education; teachers; collective bargaining; strikes; arbitration

9 Statement of purpose of bill as introduced: This bill proposes to prohibit
10 teachers and school administrators from striking and school boards from
11 imposing contracts and to require mandatory binding arbitration.

12 An act relating to the requirement of mandatory binding arbitration and to
13 the elimination of strikes and imposed contracts in connection with
14 collective bargaining for teachers' and school administrators' contracts

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 16 V.S.A. § 2011 is added to read:

17 § 2011. MANDATORY DETERMINATION BY THE VERMONT LABOR

18 RELATIONS BOARD

19 (a) If the parties' dispute remains unresolved as to any issue on the 15th
20 day after delivery of the fact-finding commission's report under section 2007
21 of this title or if the parties otherwise agree that they have reached an impasse,

1 then each party shall submit to the Vermont Labor Relations Board its last best
2 offer on all disputed issues, which shall be reviewed and decided upon as a
3 single package. The Labor Relations Board may hold hearings and may
4 consider the recommendations of the fact-finding committee, if one has been
5 activated.

6 (b) In reaching a decision, the Labor Relations Board shall give weight to
7 all relevant evidence presented by the parties, including:

8 (1) the lawful authority of the school board;

9 (2) stipulations of the parties;

10 (3) the interest and welfare of the public and the financial ability of the
11 school board to pay for increased costs of public services, including the cost of
12 labor;

13 (4) comparisons of the wages, hours, and conditions of employment of
14 the employees involved in the dispute with the wages, hours, and conditions of
15 employment of other employees performing similar services in public schools
16 in comparable communities or in private employment in comparable
17 communities;

18 (5) the average consumer prices for goods and services commonly
19 known as “the cost of living”;

1 (6) the overall compensation currently received by the employees,
2 including direct wages, benefits, continuity conditions and stability of
3 employment, and all other benefits received; and

4 (7) the prior negotiations and existing conditions of other school and
5 municipal employees.

6 (c) Within 30 days of receiving the last best offers of the parties, the Labor
7 Relations Board shall select between the offers, considered in their entirety
8 without amendment, and shall determine the cost of its selection. The Labor
9 Relations Board shall not issue an order under this subsection that is in conflict
10 with any law or rule or that relates to an issue that is not bargainable. The
11 Labor Relations Board shall file one copy of the decision with the relevant
12 negotiations councils. Except as provided in subsection (e) of this section, the
13 decision of the Labor Relations Board shall be final and binding on the parties.

14 (d) The parties shall share equally all mutually incurred costs incidental to
15 this section.

16 (e) Upon application of a party, a Superior Court shall vacate an award on
17 the same grounds as set forth in 21 V.S.A. § 1733(d) and according to the same
18 procedures as set forth in 21 V.S.A. § 1733(e).

19 (f) Upon application by either party, a Superior Court may issue a
20 temporary restraining order or other injunctive relief and may award costs
21 including reasonable attorney's fees in connection with any action taken by a

1 representative organization, its officials, or its members or by a school board or
2 its representative in violation of this section, including engaging in a strike,
3 which shall have the same meaning as in 21 V.S.A. § 1722, and the imposition
4 of contractual terms.

5 Sec. 2. 3 V.S.A. § 924(e) is amended to read:

6 (e) In addition to its responsibilities under this chapter, the Board shall
7 carry out the responsibilities given to it under 16 V.S.A. chapter 57, 21 V.S.A.
8 chapters 19 and 22, and chapter 28 of this title and when so doing shall
9 exercise the powers and follow the procedures set out in that chapter.

10 Sec. 3. REPEAL

11 The following sections of Title 16 are repealed:

12 (1) § 2008 (finality of school board decisions);

13 (2) § 2010 (injunctions granted only if action poses clear and present
14 danger);

15 (3) § 2021 (negotiated binding interest arbitration);

16 (4) § 2022 (selection and decision of arbitrator);

17 (5) § 2023 (jurisdiction of arbitrator);

18 (6) § 2024 (judicial appeal);

19 (7) § 2025 (factors to be considered by the arbitrator);

20 (8) § 2026 (notice of award); and

21 (9) § 2027 (fees and expenses of arbitration).

1 Sec. 4. 16 V.S.A. chapter 57, subchapter 4 is redesignated to read:

2 Subchapter 4. ~~Binding Interest Arbitration~~ [Repealed.]

3 Sec. 5. 16 V.S.A. § 2028 is redesignated to read:

4 § ~~2028~~ 2012. CONTRACT RATIFICATION ANNUAL VOTE

5 Sec. 6. EFFECTIVE DATE

6 This act shall take effect on July 1, 2015, and apply to negotiations
7 beginning on or after that date for collective bargaining agreements for fiscal
8 year 2017 and after.